

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS, HOUSTON DIVISION

Joanna Burke)	CIVIL ACTION No.
)	4:24-cv-00897
Plaintiff)	United States Courts
)	Southern District of Texas
vs.)	FILED
Deutsche Bank National Trust Company, PHH)	<i>November 15, 2024</i>
Mortgage Corporation, AVT Title Services,)	Nathan Ochsner, Clerk of Court
LLC, Mackie Wolf Zientz & Mann, PC, Judge)	
Tami Craft aka Judge Tamika Craft-Demming,)	
Judge Elaine Palmer, Sashagaye Prince, Mark D)	
Hopkins, Shelley L Hopkins, Hopkins Law,)	
PLLC, John Doe, and/or Jane Doe)	
)	
Defendants)	
)	

**MOTION FOR LEAVE TO FILE VERIFIED SURREPLY TO PHH MORTGAGE
CORPORATION'S MOTION FOR SUMMARY JUDGMENT**

TO THE HONORABLE JUDGE, AND ALL INTERESTED PARTIES:

Plaintiff, appearing pro se, respectfully submits this motion for leave to file a verified surreply to Defendant PHH Mortgage Corporation's Motion for Summary Judgment. Although Plaintiff is uncertain whether a formal motion is necessary, Defendant's motion presents a significant procedural deficiency that Plaintiff wishes to address. Specifically, Defendant's motion exceeds the local rule's 5,000-word limit by 147%, totaling 7,330 words, in violation of federal and local court rules. As of this date, the Court has not stricken the motion despite this violation.

See Court Procedures, Hon. Charles R. Eskridge III, at 18c; *Cole v. Sandel Med. Ind., L.L.C.*, 413 F. App'x 683, 688 (5th Cir. 2011) (“On March 31, the district court struck Sandel's motion for summary judgment for failure to comply with the local rule limiting such filings to ten pages.”); *Whatley v. CreditWatch Servs., Ltd.*, No. 4:11CV493, at *1 (E.D. Tex. July 13, 2012) (“Plaintiff has also filed a motion seeking leave to file a summary judgment response in excess of the page limits.”). In this case, Defendant has filed no such motion seeking leave to exceed the page limit.

Erring on the side of caution and in full compliance with local rules and court procedures, Plaintiff seeks leave from this Court to file the attached verified surreply. To the extent the surreply exceeds ten pages, Plaintiff requests permission for the filing of the excess pages. The surreply is necessary to address arguments raised for the first time in Defendant's latest filing, which have not been previously discussed and are critical to the resolution of this matter.

CONCLUSION

For the reasons set forth above, Plaintiff respectfully requests that the Court grant leave to file the attached verified surreply and, if necessary, allow for the excess pages. Additionally, to the extent the Court maintains jurisdiction in these proceedings, Plaintiff further requests that the Court DENY Defendant's Motion for Summary Judgment. A proposed order is enclosed.

RESPECTFULLY submitted this 11th day of November, 2024.



Joanna Burke, Harris County
State of Texas / Pro Se

46 Kingwood Greens Dr
Kingwood, Texas 77339
Phone Number: (281) 812-9591
Fax: (866) 705-0576
Email: joanna@2dobermans.com

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 7.1, I attest to conferring by emailing counsel for all the parties in these proceedings on Sunday, Nov. 10, 2024. At the time of preparing for print and posting on Monday, November 11, 2024, no response has been received. It is assumed that Defendants are opposed.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on November 11, 2024 as stated below on the following:

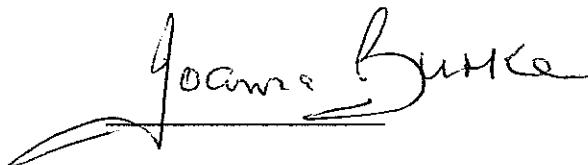
VIA U.S. Mail:

Nathan Ochsner
Clerk of Court
P. O. Box 61010
Houston, TX 77208

VIA e-Mail:

Shelley L. Hopkins
Mark D. Hopkins
HOPKINS LAW, PLLC
2802 Flintrock Trace, Suite B103
Austin, Texas 78738
mark@hopkinslawtexas.com
shelley@hopkinslawtexas.com

PHH MORTGAGE CORPORATION



Joanna Burke, Harris County
State of Texas / Pro Se

46 Kingwood Greens Dr
Kingwood, Texas 77339
Phone Number: (281) 812-9591
Fax: (866) 705-0576
Email: joanna@2dobermans.com